

RESOURCES

The full text of the Health Insurance Portability and Accountability Act of 1996 (HIPAA)

45 CFR Parts 160 and 164

Standards for Privacy of Individually Identifiable Health Information, as modified in August 2002, is available at <http://www.hhs.gov/ocr/combinedregtext.pdf/>

A comprehensive internet site that provides additional guidance on HIPAA is <http://www.hhs.gov/ocr/hipaa/>

This site links to the U.S. Department of Health and Human Services, Office of Civil Rights (OCR) website. The OCR is the entity charged with enforcing the HIPAA regulations, and they have issued guidance on these regulations, which can be found at this site.

Additional information from the Missouri Department of Health and Senior Services is at <http://www.dhss.state.mo.us/HIPAA/>

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IMMUNIZATION RECORDS AND HIPAA



This brochure is not intended to serve as legal advice, nor should it be considered an endorsement of the resources provided. If you have questions, be sure to contact your legal counsel to determine your own compliance with the law and appropriate policies and procedures.

WHAT IS HIPAA?

HIPAA (The Health Insurance Portability and Accountability Act of 1996) was developed to address the efficiency and effectiveness of the health care system in the United States. Within HIPAA, the Administrative Simplification rules are a set of regulations that establish standards and protections for health care systems. The “Privacy of Health Information” has been effective since April 14, 2003.

While HIPAA establishes new privacy standards for protected health information (PHI), some disclosures are still allowed without authorization from the patient or his or her parent or guardian.

According to Missouri Revised Statute 167.183, “the immunization status of persons against childhood diseases as required by section 167.181 and section 210.003, RSMo, may be disclosed and exchanged without a parent’s or guardian’s written release authorizing such disclosure” to persons with a need to know. HIPAA does not invalidate this statute. The full text of the statute is reproduced in this brochure.

For additional information, see the Department of Health and Senior Services’ brochure, “Public Health and HIPAA: Legally Sharing Information with Public Health Agencies,” at <http://www.dhss.state.mo.us/HIPAA/>

GUIDANCE FROM THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC)

The Privacy Rule permits a covered entity to use and disclose PHI, with certain limitations and protections, for treatment, payment and health care operations (TPO) of the covered entity. (Please see 45 CFR §164.506.) Certain other permitted uses and disclosures for which an authorization is not required are listed below. Additional requirements and conditions apply to these disclosures.

Required by law: disclosures of PHI are permitted when required by other law, whether federal, tribal, state or local

Public Health: PHI can be disclosed to public health authorities and their authorized agents for public health purposes including, but not limited to public health surveillance, investigations and interventions

Please note that this list is not exhaustive and the Privacy Rule text and OCR guidance should be consulted for a full understanding. (Source: HIPAA Privacy Rule and Public Health: Guidance from CDC and the U.S. Department of Health and Human Services. *MMWR* [April 11, 2003/52]; 1-12.) The full text of this article is available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/m2e411a1.htm>.

MISSOURI REVISED STATUTE 167.183

Immunization records, disclosure, to whom—disclosure for unauthorized purpose, liability.

167.183. 1. Information and records pertaining to the immunization status of persons against childhood diseases as required by section 167.181 and section 210.003, RSMo, may be disclosed and exchanged without a parent’s or guardian’s written release authorizing such disclosure, to the following, who need to know such information to assure compliance with state statutes or to achieve age-appropriate immunization status for children:

- (1) Employees of public agencies, departments and political subdivisions;
- (2) Health records staff of school districts and child care facilities;
- (3) Persons other than public employees who are entrusted with the regular care of those under the care and custody of a state agency including, but not limited to, operators of day care facilities, group homes, residential care facilities and adoptive or foster parents;
- (4) Health care professionals.

2. If any person, authorized in subsection 1 of this section, discloses such information for any other purpose, it is an unauthorized release of confidential information and the person shall be liable for civil damages.

(L. 1992 S.B. 611), Effective 7-6-92